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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3902 OF 2004
IN
FIRST APPEAL NO.1176 OF 2004

Shashikant Govindrao Upalekar, Deceased, .
Thru' Dhanashri S. Upalekar & Ors. ...Applicants
V/s.
Shubhangi Milind Upalekar & Anr. ...Respondents

Mr.A.P. Kulkarni, Advocate, for the Applicants.

Mr.Amit Borkar, Advocate, for the Respondents.

CORAM : ABHAY S. OKA, J.

DATE : 16TH JANUARY, 2008.

P.C.:

1. The undertakings of applicant Nos.1A to 1D are taken on record and marked as "A", "B", "C" and "D" respectively. The applicants have agreed to hand over vacant and peaceful possession of the premises to the respondents on or before 31st March, 2008. The undertakings are accepted.

2. In view of undertakings, the Civil Application is disposed of by passing following order:-

"O R D E R"

(a). There will be stay of execution and operation

of clause (2) of the operative part of the decree subject to condition which is incorporated in the ad-interim order dated 23rd November, 2004.

(b). The inquiry for mesne profits will proceed. However, final order shall not be executed without obtaining leave of this Court.

(c). In case the applicants fail to hand over possession of the suit property in terms of undertakings, it will be open for the respondents to apply for vacating the limited interim relief granted by this order.

(d). There will be no order as to costs.

[ABHAY S. OKA, J.]